

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3

4 SUNLIGHTEN, INC,

5 Plaintiff,

6 v.

7 FINNMARK DESIGNS, LLC,

8 Defendant.

Case No. 2:20-cv-00127-CDS-NJK

ORDER GRANTING DEFENDANT'S  
UNOPPOSED MOTION TO STRIKE  
JURY DEMAND

(ECF No. 85)

9 This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.*, the  
10 trademark laws of the United States, 15 U.S.C. § 1051 *et seq.*, and the trademark laws of the State  
11 of Nevada. Sunlighten, Inc. ("Sunlighten") alleged infringement of its infrared sauna patents,  
12 unfair competition, false designation of origin, and trade dress infringement under the Lanham  
13 Act, deceptive and unfair trade practices, trademark infringement and unfair competition under  
14 Nevada common law. *See generally* Complaint, ECF No. 1. Plaintiff included a demand for jury  
15 trial in the complaint, ECF No. 1 (demanding jury trial in the caption), and the Defendant  
16 included the same demand for a jury trial in their answer, ECF No. 14.

17 Now before the Court is Defendant Finnmark Designs, LLC's ("Finnmark") Motion to  
18 Strike Sunlighten, Inc.'s Jury Demand. ECF No. 85. In support of their motion, Finnmark asserts  
19 that, following the Court's ruling on summary judgment, ECF No. 77, there are no longer any  
20 issues triable to a jury in this case. ECF No. 85 at 7. They contend that an injunction and/or  
21 disgorgement of profits does not give rise to the right to a jury trial for trademark infringement  
22 under the Lanham Act and that, after this Court's decision denying Plaintiff the ability to seek  
23 legal damages at trial on that cause of action, the only remedies that Plaintiff may seek at trial  
24 are equitable remedies (disgorgement of profits and injunctive relief). *Id.*

1 Sunlighten's response was timely filed on August 2, 2022. ECF No. 88. In their response,  
2 Sunlighten submits that while Finnmark's Answer to the Complaint also included a demand for  
3 a jury trial, it should have been clear that that demand is withdrawn, or the extent it was not  
4 clear, opposing counsel could have resolved the issue by way of an email or telephone call. *Id.*  
5 Sunlighten's response does not disagree that a bench trial is appropriate at this juncture.<sup>1</sup> *See id.*  
6 at 2 (stating that "based on Defendant's withdrawal of its jury demand, Plaintiff also hereby  
7 withdraws its request for a jury trial").

8 Federal Rule of Civil Procedure 39(a) allows a court, on motion or on its own, to find  
9 that there is no federal right to a jury trial on some or all issues present in a case. Fed. R. Civ. P.  
10 39(a). After the Court's decision granting summary judgment, *see* ECF No. 77, there is no federal  
11 right to a jury trial on the remaining claims that Sunlighten may seek at trial.

12 Accordingly, there is no reason to deny Finnmark's motion to strike, especially given that  
13 the motion is unopposed.

14 IT IS HEREBY ORDERED that Finnmark's Motion to Strike Plaintiff Sunlighten, Inc.'s  
15 Jury Demand (ECF No. 85) is GRANTED.

16 The Court strikes Plaintiff Sunlighten, Inc.'s jury demand. Furthermore, the Court grants  
17 Defendant Finnmark's request to withdraw its jury demand.

18 IT IS SO ORDERED.

19 DATED this 11th day of August 2022.

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21   
22 Cristina D. Silva  
23 United States District Judge  
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<sup>1</sup> Although there is no specific requirement that the parties meet and confer prior to filing a motion to strike, counsel is reminded to make attempts to resolve issues prior to filing any motion.